



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, MT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated June 12, 2019
- b. An order to recover the cost of the filing fee.

The tenant(s) failed to appear at the scheduled start of the hearing which was 1:30 a.m. on July 12, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on June 12, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the tenant was sufficiently served on the landlord.

The landlord filed an Application for Dispute Resolution seeking a monetary order for non payment of rent and an Order of Possession. That application is scheduled for hearing in August. I determined that it was not appropriate to order that the landlord's application be heard at the same time as the Tenants as the Tenant was not present at this hearing and she would be unaware the landlord's claim would be heard today. The landlord's application will proceed as scheduled in August 2019.

With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated June 12, 2019?
- b. Whether the tenant is entitled to an order for more time to make this application?

Background and Evidence:

The parties entered into a fixed term tenancy agreement that provided that the tenancy would start on June 1, 2019 and end on June 30, 2020. The tenancy agreement provided that the tenant(s) would pay rent of \$1950 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$975 on May 17, 2019.

The landlord testified the tenant's rent cheques for June 2019 and for July 2019 have been dishonoured. She has paid the landlord \$100 in cash at the end of June. The tenant owes \$3800 in rent for June 2019 and July 2019.

Analysis:

The tenant failed to appear at the hearing and failed to provide sufficient evidence to establish a basis for an order to cancel the 10 day Notice to End Tenancy. There is outstanding rent of \$3800 for the months of June 2019 and July 2019. I determined that the landlord has established sufficient cause to end the tenancy. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy without leave to re-apply. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. The 10 day Notice to End Tenancy is in the approved form. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: July 12, 2019

Residential Tenancy Branch